

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -May 09, 2017

The Special Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Jones, Klimko and Valle

Absent: Noone and Thompson

Also, Present: Matt Hall, Manager
Laurie Barton, Borough Clerk
Tara St. Angelo, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

AUDIENCE:

Victor Cioni, Alvin Sloan Ave, spoke in favor of Ray Rice’s project, outlined key points on how this is good for the Borough.

John Monteverde, BID Director, urged Council to pass a resolution to move the project (Ray Rice) forward.

Scott McDonald, North Prospect St., stated his support for Ray Rice’s project and stated that the Borough needs to grow.

Monika Hamburger, President of BID, stated her support of the project and stated that this can bring in nightlife and places to sit and eat.

Tracy Fosselari (sp) stated her support for the project. She owns a business at 127 Belvidere Avenue and would like to see this move forward and believes that this is good for the town.

Travis (last name inaudible), stated he was here tonight representing his wife who created a social media page and supports the project and believes it will make the town great again.

Mary Jo Harris, stated that the landscape needs to change in order to prevent the festering of drug activity. Ms. Harris stated that she is in full support of Ray Rice's project.

Carol Lecorte(sp), Tea Room Antique Shop and Art Gallery, stated the Borough needs a thriving downtown to survive and it is not thriving right now and added she supports the project to move forward.

Motion made by Heinrich seconded by Valle, to close the audience portion of the meeting.

Ayes: 5, Nays: 0
Motion Carried

EXECUTIVE SESSION

At this time, Mayor Higgins entertained a motion to enter executive session to discuss potential litigation, and contracts.

Motion made by Heinrich, seconded by Klimko and adopted.

Roll Call: Heinrich, Higgins, Klimko, Noone and Valle.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

X_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council re-entered regular session at 7:51p.m.

Motion made by Heinrich and seconded by Klimko to re-enter regular session at 7:51 p.m. All were in favor.

Motion made by Heinrich and seconded by Jones to sell the municipal lot for \$95,000 to Ray Rice with the stipulation of 14 spots are reserved for municipal parking for residents with appropriate signage.

Roll Call: Heinrich, Higgins, Jones, Klimko and Valle.

Ayes: 3, Nays: 2 (Klimko and Valle)
Motion Carried

Mayor Higgins addressed the public to clarify that there was no intention from keeping Mr. Rice from going forward with his project with anyone from Council.

Mayor Higgins thanked the audience for coming and showing up.

RESOLUTION

A motion was made by Heinrich, seconded by Jones to approve Resolution 2017-121

Ayes: 5; Nays: 0; Abstain: 0
Motion Carried

Hearing no further business motion made by Heinrich, seconded by Jones to adjourn the meeting at 7:56 p.m., all were in favor.

Mayor Dave Higgins

Laurie A. Barton, RMC, Borough Clerk